

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GEORGE PETERS, : 11 CV 3351 (JSR)

: Plaintiff,

v.

LAMPLIGHT FARMS, INC.,

: Defendant,

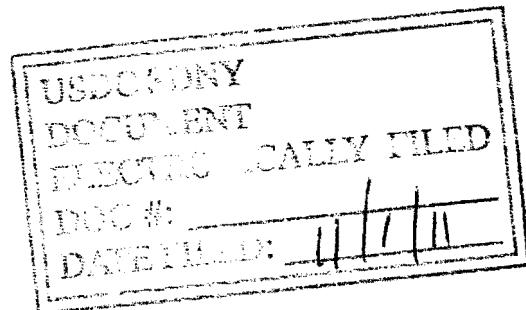
LAMPLIGHT FARMS, INC.,

: Third-Party Plaintiff,

v.

KATHLEEN DEYO,

: Third-Party Defendant,



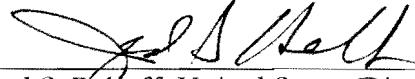
**ORDER GRANTING APPLICATION  
FOR PRO HAC VICE ADMISSION**

Upon the application of David B. Datny, counsel for Lamplight Farms, Inc., dated October 3, 2011, for admission pro hac vice of Thomas Frederick Gristina in the matter captioned above, and for good cause shown, it is hereby

**ORDERED** that Thomas Frederick Gristina is admitted to this Court pro hac vice for the matter captioned above.

**IT IS FURTHER ORDERED** that said counsel shall be authorized to file papers electronically in the above-captioned proceedings upon the submission of the appropriate application for electronic case filing (ECF) registration to the Clerk of the Court.

Dated: New York, New York  
October 30 2011

  
\_\_\_\_\_  
Jed S. Rakoff, United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GEORGE PETERS, : 11 CV 3351 (JSR)

: Plaintiff,

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LAMPLIGHT FARMS, INC.,

: Third-Party Plaintiff,

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KATHLEEN DEYO,

: Third-Party Defendant,

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AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
                      )  
                      ) ss.:  
COUNTY OF NEW YORK )

BERNICE LEVINE, being duly sworn, deposes and says:

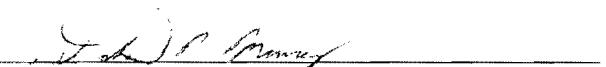
I am not a party to the action, am over eighteen (18) years of age, and reside in Brooklyn, New York. On October 18, 2011, I served a copy of the Application for Pro Hac Vice Admission of Thomas Frederick Gristina on:

Anderson Kill & Olick, P.C.  
Attorneys for Plaintiff  
1252 Avenue of the Americas  
New York, New York 10020

at the address designated by said party for that purpose, by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, under the exclusive care and custody of the United States Postal Service.

  
BERNICE LEVINE

Sworn to before me this 18th  
day of October , 2011

  
Notary Public

STEPHEN P. MURRAY  
Notary Public, New York  
No. 02MU6188966  
Qualified in New York County  
Commission Expires 11/12/12

11/01/2011  
11/01/2011  
HARDIN, KUNDLA, McKEON,  
& POLETTO, P.A.  
110 William Street, 25<sup>th</sup> Floor  
New York, NY 10038  
(212) 571-0111

DOC # 20

Attorneys for Lamplight Farms, Inc.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

GEORGE PETERS, : 11 CV 3351 (JSR)

: Plaintiff,

v. :

LAMPLIGHT FARMS, INC., :

: Defendant.

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LAMPLIGHT FARMS, INC., :

: Third-Party Plaintiff;

v. :

KATHLEEN DEYO, :

: Third-Party Defendant.

**APPLICATION FOR PRO HAC VICE ADMISSION  
OF THOMAS FREDERICK GRISTINA**

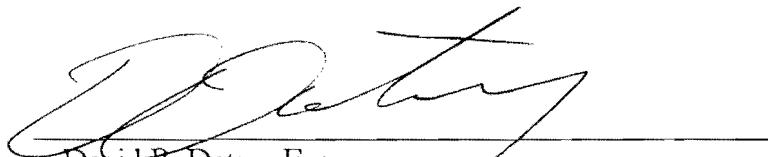
**PLEASE TAKE NOTICE** that, upon the annexed Affirmation of David B. Datny and  
Affidavit of Thomas Frederick Gristina, the undersigned will move this Court before the Hon.

Jed S. Rakoff, U.S.D.J., at the United States Courthouse, Courtroom 14B, 500 Pearl Street, New York, New York, for an order pursuant to Local Civil Rule 1.3(c) granting admission pro hac vice to Thomas Frederick Gristina, so that he may represent Lamplight Farms, Inc., in the matter captioned above. In support of this motion, the undersigned states as follows:

1. I am an associate of the law firm of Hardin, Kundla, McKeon & Poletto, P.A., 110 William Street, 25<sup>th</sup> Floor, New York, New York. I am a member in good standing of the Bar of the State of New York and the United States District Court for the Southern District of New York. (**Exhibit "A"**).
2. This firm has been retained to represent Lamplight Farms, Inc., as local counsel in the matter captioned above.
3. Thomas Frederick Gristina is a member of the firm of Page, Scranton, Sprouse, Tucker & Ford, P.C., 1111 Bay Ave., Synovus Center, Third Fl., Post Office Box 1199, Columbus, Georgia 31902-1199. Mr. Gristina is a member in good standing of the Bar of the State of Georgia, Virginia and the District of Columbia. There are no pending disciplinary proceedings against Mr. Gristina in any State or Federal court. The Affidavit of Mr. Gristina submitted in support of this application, together with all applicable certificates of good standing, are annexed hereto as **Exhibit "B"**.
4. There is no good cause to deny the admission of Thomas Frederick Gristina to this Court pro hac vice. No party will be prejudiced in any way if Thomas Frederick Gristina is admitted to this Court pro hac vice.

**WHEREFORE**, for all of the reasons set forth herein, I respectfully request that the application for pro hac vice admission of Thomas Frederick Gristina be granted.

Dated: New York, New York  
October 13, 2011



David B. Datny, Esq.  
HARDIN, KUNDLA, MCKEON,  
& POLETTO, P.A.  
110 William Street, 25<sup>th</sup> Floor  
New York, NY 10038  
Telephone: (212) 571-0111  
Facsimile: (212) 571-1117

Attorneys for Lamplight Farms, Inc.

HARDIN, KUNDLA, McKEON  
& POLETTO, P.A.

110 William Street, 25<sup>th</sup> Floor  
New York, NY 10038  
(212) 571-0111

Attorneys for Lamplight Farms, Inc.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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GEORGE PETERS, : 11 CV 3351 (JSR)

Plaintiff, :

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LAMPLIGHT FARMS, INC., :

Defendant. :

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LAMPLIGHT FARMS, INC., :

Third-Party Plaintiff, :

v. :

KATHLEEN DEYO, :

Third-Party Defendant. :

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**AFFIRMATION OF DAVID B. DATNY IN SUPPORT OF APPLICATION FOR  
PRO HAC VICE ADMISSION OF THOMAS FREDERICK GRISTINA**

David B. Datny, an attorney duly admitted to practice law before the United States District Court, Southern District of New York and the Courts of the State of New York, affirms the following subject to penalties of perjury:

1. I am an associate of the law firm of Hardin, Kundla, McKeon & Poletto, P.A., local counsel for Defendant Lamplight Farms, Inc., in this action. I make this Affirmation in Support of the Application for Pro Hac Vice Admission of Thomas Frederick Gristina in connection with the above action.

2. I am a member in good standing of the Bar of the State of New York, and was admitted to practice law in this jurisdiction in 2009. I am also admitted to the Bar of the United States District Court for the Southern District of New York and am in good standing with this Court.

3. Mr. Gristina is personally known to me. He is a member of the law firm of Page, Scranton, Sprouse, Tucker & Ford, P.C., and is a member in good standing of the Bar of the State of Georgia, the location of his principle place of business, having been admitted to practice in that jurisdiction in 2002. He is also a member in good standing of the Bar of the State of Virginia, having been admitted to practice in that jurisdiction in 1995, and the District of Columbia, having been admitted to practice in that jurisdiction in 1996. He has not been denied admission to, nor has he been disciplined by any Court.

4. Defendant Lamplight Farms, Inc., desires to have Thomas Frederick Gristina of the law firm of Page, Scranton, Sprouse, Tucker & Ford, P.C., 1111 Bay Ave., Synovus Center, Third Fl., Post Office Box 1199, Columbus, Georgia 31902-1199, also represent them in this action. Page, Scranton, Sprouse, Tucker & Ford, P.C., including Mr. Gristina, act as defense counsel for Lamplight Farms, Inc., in other lawsuits involving similar claims. Both have substantial familiarity with the Defendant Lamplight Farms, Inc. and its products in general and with the factual and substantive issues relating to the above captioned matter in particular. As a result, Mr. Gristina has specialized knowledge which is important and necessary to the effective representation of Lamplight Farms, Inc., in this action.

5. The Affidavit of Thomas Frederick Gristina and applicable certificates of good standing are annexed hereto as **Exhibit "B."**

6. No party will be prejudiced in any way if Thomas Frederick Gristina is admitted to the Bar of this Court pro hac vice.

7. No good cause exists to deny admission of Thomas Frederick Gristina pro hac vice admission.

**WHEREFORE**, it is respectfully requested that the application to admit Thomas Frederick Gristina pro hac vice, to represent Defendant Lamplight Farms, Inc. in the above captioned matter, be granted.

Dated: New York, New York  
October 13, 2011



David B. Datny, Esq.  
HARDIN, KUNDLA, MCKEON,  
& POLETTO, P.A.  
110 William Street, 25<sup>th</sup> Floor  
New York, NY 10038  
Telephone: (212) 571-0111  
Facsimile: (212) 571-1117

Attorneys for Lamplight Farms, Inc.

HARDIN, KUNDLA, McKEON

& POLETTO, P.A.

110 William Street, 25<sup>th</sup> Floor

New York, NY 10038

(212) 571-0111

Attorneys for Lamplight Farms, Inc.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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KATHLEEN DEYO, :

: Third-Party Defendant.

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**AFFIDAVIT OF THOMAS FREDERICK GRISTINA IN SUPPORT OF  
APPLICATION FOR PRO HAC VICE ADMISSION**

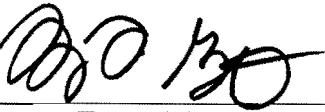
Thomas Frederick Gristina of full age, hereby certifies as follows:

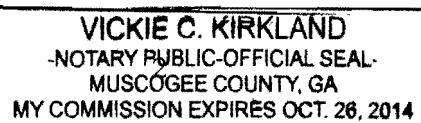
1. I am an attorney-at-law associated with the law firm of Page, Scrantom, Sprouse, Tucker & Ford, P.C. I am a member in good standing of the Bar of the State of Georgia, Virginia and the District of Columbia.
2. I, along with the other lawyers of Page, Scrantom, Sprouse, Tucker & Ford, P.C., act as defense counsel for Lamplight Farms, Inc., in a variety of other lawsuits including the above captioned matter. As a result, I have obtained specialized knowledge with its products in general and with the factual and substantive issues relating to the above captioned matter in specific which is important and necessary to the effective representation of Lamplight Farms, Inc., in this action.
3. Certificates of Good Standing for the Bar of the State of Georgia, Virginia and the District of Columbia are annexed hereto. No disciplinary proceedings are pending against me in any jurisdiction and no discipline has been previously imposed on me in any jurisdiction.
4. If admitted pro hac vice in these proceedings, I shall be bound by the Local Civil Rules of the United States District Court for the Southern District of New York.
5. This Certification is submitted in support of my application for admission pro hac vice in the matter captioned above.

I hereby certify that the above statements made by me are true. I am aware that if any of the above statements made by me are willfully false, I am subject to punishment.

Dated: Columbus, Georgia  
October 16, 2011

I swear to and subscribe  
before me, this 16th day  
of October, 2011.  
Vickie C. Kirkland  
Notary Public, Muscogee  
County, Georgia

  
\_\_\_\_\_  
Thomas Frederick Gristina.



# Supreme Court of Virginia

AT RICHMOND

## Certificate

I, Patricia L. Harrington, Clerk of the Supreme Court of Virginia,  
do hereby certify that

THOMAS FREDERICK GRISTINA

was admitted to practice as an attorney and counsellor at the bar of this Court on  
October 30, 1995.

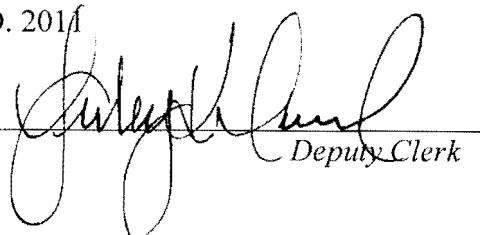
I further certify that so far as the records of this office are  
concerned, THOMAS FREDERICK GRISTINA is a member of the bar of  
this Court in good standing.

**Witness** my hand and seal of said Court

This 6th day of October

A.D. 2011

By:



Patricia L. Harrington  
Deputy Clerk



District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D.C. 20001  
202 / 879-2710

*I, JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, do hereby certify that*

*THOMAS F. GRISTINA*

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*was on the        8<sup>TH</sup> day of NOVEMBER, 1996*

*duly qualified and admitted as an attorney and counselor entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.*

*In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on October 5, 2011.*

*JULIO A. CASTILLO  
Clerk of the Court*

*By: \_\_\_\_\_*  
*C. T. O'Brien*  
*Deputy Clerk*



# STATE BAR OF GEORGIA

*Lawyers Serving the Public and the Justice System*

**Mr. Thomas Frederick Gristina**  
**Page Scranton Sprouse Tucker & Ford PC**  
**1111 Bay Avenue, Third Floor**  
**PO Box 1199**  
**Columbus, GA 31902**

<b>CURRENT STATUS:</b>	<b>Active Member-Good Standing</b>
<b>DATE OF ADMISSION:</b>	<b>05/28/2002</b>
<b>BAR NUMBER:</b>	<b>452454</b>
<b>TODAY'S DATE:</b>	<b>09/28/2011</b>

**Listed below are the public disciplinary actions, if any, which have been taken against this member:**

<b>State Disciplinary Board Docket #</b>	<b>Supreme Court Docket #</b>	<b>Disposition</b>	<b>Date</b>
N/A	N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court of Georgia, which is the highest court required to practice law in Georgia.
- Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.

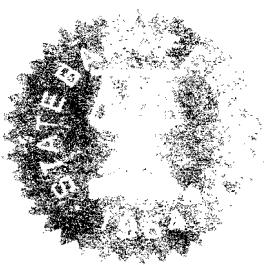
Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "good standing" as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

## STATE BAR OF GEORGIA

Official Representative of the State Bar of Georgia



### HEADQUARTERS

104 Marietta Street, Suite 100  
Atlanta, Georgia 30303  
(404) 527-8700 ■ (800) 334-6865  
FAX (404) 527-8717  
www.gabar.org

### SOUTH GEORGIA

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Tifton, Georgia 31793-1390  
(229) 387-0446 ■ (800) 330-0446  
FAX (229) 382-7435